AFFIDAVIT

1. I, Michael Kurisky, Special Agent (SA) for the Food and Drug Administration, Office of Criminal Investigations, being first duly sworn, hereby depose and state as follows:

2. I have been a Special Agent (SA) with the Food and Drug Administration's Office of Criminal Investigations ("FDA-OCI") since November 2002 and am currently assigned to the Metro Washington Field Office. Between September 2010 and November 2012, I worked as a Special Agent with the Department of Veterans Affairs Office of Inspector General. Before working at FDA-OCI, I served as a Special Agent with the United States Secret Service. Prior to my federal career, I was a police officer in the City of Richmond, Virginia. I graduated from the Virginia Commonwealth University in Richmond, Virginia, with a degree in criminal justice

3. During my 30 year career in law enforcement, I have continually trained on criminal investigative techniques, and have completed courses including the Special Agent Training Program at the Federal Law Enforcement Training Center, the United States Secret Service Special Agent Training Course, and the FDA-OCI Special Agent Training Course. At FDA-OCI, I conduct criminal investigations, make arrests, testify in proceedings, and execute search and seizure warrants for Title 18 offenses as well as crimes involving violations of the Federal Food, Drug, and Cosmetic Act (the "FDCA"), codified at 21 U.S.C. §§ 301-395.

4. My duties as a SA of the FDA/OCI involve the investigation of various offenses, including the manufacture and sale of products that could be harmful to humans if ingested, to include those that contain steroids or other related synthetic chemicals or precursors or those that are not labeled accurately. In my experience, purveyors of these products often represent them as "dietary supplements" or nutraceuticals in an attempt to escape the more intense scrutiny FDA

gives drugs. Sometimes, the products are represented to be "research chemicals" in an attempt to avoid regulatory scrutiny altogether.

5. The facts in this affidavit come from my personal observations, my training and experience and information obtained from witnesses and other agents, hereinafter referred to as the "investigative team." This Affidavit is merely intended to show that there is sufficient probable cause for the requested warrant; it does not set forth all of my knowledge about this matter.

6. Based on my training and experience in conjunction with the facts in this Affidavit, I submit that there is probable cause to believe that between March1, 2016, through July 18, 2018, in the Western District of Virginia and elsewhere, John F. Cochcroft, a resident of Lexington, South Carolina, committed the following offense:

> Conspiracy in violation of 18 U.S.C. § 371 in that, from in or about February 9, 2016, through in or about July 18, 2018, John Cochcroft knowingly and willfully engaged in a scheme with Brian Parks, owner of MedfitRx in Cary, North Carolina, to have unapproved drug ingredients smuggled into the United States, manufacture those ingredients into products identified as "supplements," sell them to consumers across the country to include those in the Western District of Virginia, and introduce misbranded drugs into interstate commerce with the intent to defraud and mislead, in violation of 21 U.S.C §§ 331(a) and 333(a)(2);.

RELEVANT STATUTES AND BACKGROUND

A. The Food, Drug, and Cosmetic Act

7. The Food and Drug Administration ("FDA") is the federal agency responsible for protecting the American public by enforcing the FDCA. The FDA's responsibilities under the FDCA include regulating the manufacture, labeling, and distribution of drugs shipped or received

in interstate commerce. Two key purposes of the FDCA are to ensure that drugs sold for human use are safe and effective and bear labeling that contains true and accurate information, as well as ensure that foods (including dietary supplements) are safe and properly labeled.

8. 21 U.S.C. §321(g) defines a "drug," in relevant part, as: (1) any article recognized in the official United States Pharmacopeia or official National Formulary; (2) any article intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animal; (3) any article (other than food) intended to affect the structure or any function of the body; or (4) any article used as a component of either. Whether an article is a drug is determined by its intended use, which is defined as "the objective intent of the persons legally responsible for the labeling of drugs." This intent may be determined by "such person's expressions" or "the circumstances surrounding the distribution of the article" including labeling claims, advertising matter, or oral or written statements by such persons or their representatives. *See* 21 C.F.R. § 201.128.

9. The FDA also regulates dietary supplements under standards very different than those for human drugs. A dietary supplement is defined as a product: (a) intended to supplement the diet that contains one or more of a list of dietary ingredients, e.g. a vitamin, mineral, herb or other botanical, amino acid, or other dietary substance for use by man to supplement the diet by increasing total dietary intake, and (b) labeled as a dietary supplement. 21 U.S.C. § 321(ff). A dietary supplement cannot contain an article that is approved as a new drug under section 505 of the FDCA (21 U.S.C. § 355, *i.e.* the new drug approval statute) that was not marketed as a dietary supplement prior to such approval.

10. Both drug and food (dietary supplements) manufacturers are required to register with the FDA. *See* 21 U.S.C. § 360 (drugs); 21 U.S.C. § 350d (foods). This registration notifies FDA of the manufacturers' existence and activities and allows FDA to schedule inspections to

assure that the requirements of the FDCA are being followed, including that the products are being manufactured according to good manufacturing practice and under sanitary conditions. *See* 21 U.S.C. § 374 (FDA inspectional authority) and 21 U.S.C. § 351(a)(2)(B), 21 C.F.R. Part 210, 211 (drugs) and 21 U.S.C. §§ 342 (a)(4)(g)(1); 21 C.F.R. Part 110 (dietary supplements).

11. 21 U.S.C. §331 prohibits the following acts (or the causing thereof):

a. The introduction or delivery for introduction into interstate commerce of any drug or food (including a dietary supplement) that is misbranded. 21 U.S.C. §331(a);

b. The failure to register a drug manufacturing facility, 21 U.S.C. § 331(p), or a food facility, including a facility that manufactures dietary supplements, 21 U.S.C. § 331(dd).

12. A drug may be deemed misbranded in myriad ways, including, for example:

a. if it is in package form and its label fails to bear the name and place of business of the manufacturer, packer or distributor (the statement of the place of business shall state the street address, city, state and zip code, 21 C.F.R. § 201.5(i)), 21 U.S.C. §352(b);

b. if its label does not bear the name and quantity of each active and inactive ingredient. 21 U.S.C. § 352(e)(1)(A)(ii);

c. if its label does not bear labeling that has adequate directions for its use, 21 U.S.C. § 352(f);

d. if it was manufactured in an unregistered facility, 21 U.S.C. § 352(o); or,

e. if its labeling is false and misleading in any particular, 21 U.S.C. § 352(a).

13. Dietary supplements are also misbranded unless they bear a label that contains the name and place of business of the manufacturer packer or distributor. 21 U.S.C. § 343(e). The

address shall include the street address, city, state, and zip code (unless the street address is shown in a current telephone directory). 21 C.F.R. § 101.5 (d). A dietary supplement also is misbranded unless the label or labeling lists each ingredient in the supplement and the quantity of such ingredient, as well as identifies the product as a "dietary supplement." 21 U.S.C. § 343(s).

14. Some of these misbranding violations relate to information being included on an article's label or labeling. The FDCA defines "label" to be the display of written, printed, or graphic matter upon the immediate container of any article. 21 U.S.C. § 321(k). Labeling is a broader term and includes the article's label, as well as other written, printed, or graphic matter upon any article or any of its containers or wrappers, or accompanying such article. 21 U.S.C. § 321(m). Both drugs and foods (dietary supplements) are misbranded if their labeling is false and misleading in any particular. 21 U.S.C. § 352(a), 343(a)(1).

15. The FDCA establishes criminal penalties for doing or causing any of the above mentioned prohibited acts. Under 21 U.S.C. §333(a)(1), any person who violates a provision of 21 U.S.C. §331 shall be imprisoned for not more than one year (i.e. a misdemeanor). Notably, this is true even if an act is committed without knowledge or specific intent. United States v. Park, 421 U.S. 658 (1975). Pursuant to 21 U.S.C. §333(a)(2), if a person commits a second violation of 21 U.S.C. §331 after final conviction on the first charge, or commits such violation with the intent to defraud or mislead, such person shall be imprisoned for not more than three years (i.e. a felony).

B. Synthetic Steroids and Similar Compounds

16. Selective Androgen Receptor Modulators ("SARMs") are synthetic chemicals designed to mimic the effects of testosterone and/or other anabolic steroids. Steroids are generally regulated by the Controlled Substances Act. Many steroids are useful for medical conditions and are prescription drugs that are also regulated by the FDCA. Athletes and body-builders who desire

the effects of steroids have turned to products collectively called "SARMs" or selective androgen receptor modulators.

17. Products containing SARMs are often marketed and sold for body-building purposes, *i.e.*, to increase muscle mass, although I am aware through my training and experience that those involved in the distribution of unapproved and misbranded drugs products such as SARMs will often ship products with labels falsely stating "for research purposes only" or "not for human consumption" in an attempt to conceal the intended use of the product as a body-building agent and to thwart law enforcement. These products were developed by drug companies as an alternative to anabolic steroids for people who suffer from age and disease-related muscle loss. Thought to have fewer side effects than traditional steroids, these products are still being studied and their safety profile is unknown. None have been approved as drugs by FDA.

18. In October 2017, FDA issued a public safety alert, warning consumers against ingesting products containing SARMs. More specifically, FDA stated that the use of SARMs have been linked to life-threatening reactions, including liver toxicity, and that these products have the potential to increase the risk of heart attack and stroke, with the long-term effects on the body remaining unknown. The public safety alert is available at:

https://www.fda.gov/newsevents/newsroom/fdainbrief/ucm583021.htm.

19. Around the same time, FDA's Center for Drug Evaluation and Research ("CDER") issued Warning Letters to three firms distributing products that contained the SARMs ostarine (a/k/a MK-2866) and LGD-4033 ("SARMs Warning Letters"). In the SARMs Warning Letters, FDA stated that products containing SARMs are: (a) unapproved new drugs; and (b) misbranded prescription drugs. The SARMs Warning Letters also warned that "[t]he long-term safety profile of SARMs remains unclear; more clinical evidence is necessary to alleviate critical safety concerns

such as liver toxicity, adverse effects on blood lipid levels, and a potential to increase the risk of heart attack and stroke." The SARMs Warning Letters are available at: https://www.fda.gov/ICECI/EnforcementActions/WarningLetters/2017/ucm582685.htm; https://www.fda.gov/ICECI/EnforcementActions/WarningLetters/2017/ucm581630.htm

20. Based on your affiant's experience, manufacturers and sellers of products targeted at the body-building and athlete community often attempt to avoid regulatory scrutiny by marketing them as "dietary supplements," which are more loosely regulated by FDA and do not require prior approval for marketing. These products often contain ingredients that take them outside the definition of dietary supplements, among other issues. In some cases, the purveyors of these products will attempt to disguise these drugs as "research chemicals" in an attempt to claim the exemption (from FDA labeling requirements) for chemicals used in pre-clinical research. The manufacturer will also often list a PO Box as their address, as opposed to the required actual physical location in order to provide an additional layer of anonymity.

21. In addition, I am aware through my training and experience that the product GW501516 (a/k/a/ Endurobol or Cardarine) is often marketed and sold as a SARM, although it is actually a peroxisome proliferator-activator receptor agonist (PPAR agonist). I am further aware that a major pharmaceutical manufacturer has publicly disclosed that in the mid-2000s, it conducted substantial clinical investigations of GW501516 as a possible treatment for obesity. Further development of GW501516 as a drug was halted by that company, however, after concerns arose regarding GW501516's carcinogenicity in rodent studies.

SUMMARY OF PROBABLE CAUSE

22. This investigation was initiated in May of 2017, based on information that a subject named Brian Michael Parks was selling products identified as dietary supplements or "sports

supplements," but that these products contained ingredients that would preclude them from being dietary supplements. The investigative team's investigation turned up evidence that Parks was the owner and operator of MedFitRx, which was physically located at 2425 Kildaire Farm Road, Suite 407, Cary, North Carolina, and previously sold their products on the internet via the website www.medfitrx.net. The company also listed other addresses on their products to include 300 Ashville Ave., Suite 230, Cary, NC 27518, and P.O. Box 607, Willow Springs, NC 27592. Your affiant has been inside of the store at 2425 Kildaire Farm Road, Suite 407, Cary, NC, spoke with Parks at this location, and purchased SARMs from this location.

A. Purchases and testing of MedFitRx Products

23. On June 1, 2017, your affiant examined the contents of the website www.medfitrx.net and ordered the following items: 1.) Hexadrone, and 2.) Black Magic. These products were pictured on the website and, in some cases, had labels that were visible

a. **Hexadrone** – On the website, this product had a bolded statement that advised "THESE PRODUCTS ARE CONSIDERED A SPORTS SUPPLEMENT. WITH ANY PRODUCT, CONSULT A HEALTH CARE PROFFESSIONAL BEFORE STARTING ANY EXERCISE OR SUPPLEMENT PROGRAM." The product's label identified it as a "PHARMA GRADE PRO-HORMONE" for "Cutting and Strength" containing 6-Chloro-Androst-4-Ene-3-One-17B-OL. The front of the label also contained the statement "WARNING: THIS PRODUCT COULD CAUSE A POSITIVE PED TEST NO PRESCRIPTION NECESSARY, CONSULT A PHYSICIAN PRIOR TO USE". The back label stated it was a supplement and had the FDA disclaimer. Under the Supplement Facts portion of the label, it stated that the tablet contained Hexadrone and listed the chemical name

6-chloro-androst-4-ene-3-one-17b-ol. Under the Suggested use section of the label it stated "2 TABLETS taken daily with a meal as a dietary Supplement..." The label also said the product was "Manufactured for: Medfit Rx, Inc., 300 Ashville Avenue, Suite 230, Cary, N.C. 27518."

b. **Black Magic** – Like the Hexadrone, this product was identified on the website as a "Sports Supplement" and advised the buyer to consult a health care professional before starting any exercise or supplement program. The label itself states that it is a "Physique Altering Formula" containing "3 SARMS & 3 PRO-HORMONES COMPOUND." The front of the label also contained the statement "WARNING: THIS PRODUCT COULD CAUSE A POSITIVE PED TEST NO PRESCRIPTION NECESSARY, CONSULT A PHYSICIAN PRIOR TO USE". The product has a panel labeled "Supplement Facts" and identifies 6 different compounds, with suggested use as "2 Tablets taken daily with a meal as a dietary supplement, or as directed by a health care professional." The product was purported to be manufactured for MedfitRx, Inc. at 300 Ashville Avenue, Suite 230, Cary N.C. 27518.

24. Both of these purchased products were submitted to the FDA's Forensic Chemistry Center ("FCC)" for analysis. The FCC utilized liquid chromatography with mass spectral detection (LC-MS) and gas chromatography with mass spectral detection (GC-MS) to determine any active ingredients in the Hexadrone product. Based on these tests, it was determined that it contained dimethazine (also known as dymethazine) which is a different compound from Hexadrone, and was not listed as an ingredient, thereby making Hexadrone a misbranded drug for having a false and misleading label under 21 USC 352(a) or 343(a)(1) or for not listing the ingredients under 21

U.S.C. § 352(e) or 343(s)(2). Using the same testing techniques, the FCC determined that the Black Magic contained both LGD-4033 and methyl-1-etiocholenolol. Both of these products have been identified in previous FDA Warning Letters to others in the industry as being an unapproved new drug and not a dietary supplement. The introduction or delivery for introduction, or causing the introduction or delivery for introduction, of any new drug lacking an FDA-approved new drug application (NDA) is in violation of 21 U.S.C. §§ 331(d) and 355(a).

25. At the bottom of the shopping page there was a statement which read, "Medfit RX Hormone Pharmaceuticals uses the highest pharma grade raw materials (99% pure) along with a proprietary sublingual delivery system giving up to 40% absorption." Below that statement there was disclaimer in red print that stated: "**DISCLAIMER:** Please note that some SARMs are not classified as nutritional supplements and MedFit Rx, Inc. sells these products for research only purposes. Making a purchase from this site indicates that you are willingly purchasing these products for research only. These products are banned by the world anti-doping agency. Purchasers of these products fully understand and comply with these statements." As noted above, the classification of products as "research chemicals" is a common ruse used by sellers of illegal supplements and drugs in an attempt to avoid scrutiny. This disclaimer was likely added later, as the description of the SARMs products on the website does not identify them as "research chemicals" but calls them "Sports Supplements" , and identifies them as "dietary supplements" on the label.

26. These products were shipped to an Abingdon, Virginia, address.

27. On September 14, 2017, a second purchase was made from the website www.medfitrx.net for products labeled as Winswole and Alphadrolone. Payment in the amount of $199.90 was made via PayPal.

a. **Winswole** – This product was identified as WINSWOLE (Methylstenbolone), "Lean Shredding Agent" and a "Pharma Grade Pro-Hormone." [Affiant note: Winswole sounds very much like "Winstrol," a trade name for the anabolic steroid stanozolol that is popular with body-builders]. The website page states that the product is a "sports supplement" and advises consulting a health care professional before starting an exercise or supplement program. The label itself, however, identifies the product as a "dietary supplement" and identifies the product as being manufactured for Medfit RX, Inc., at 300 Ashville Avenue Suite 230, Cary NC 27518.

b. **Alphadrolone**—This product was identified as Methyl-1-Etiocholenolol-Epietiocholanolone and on the webpage it was revealed the product is also known as Metyl 1-AD, AKA Alpha One, Metyl-1-Alpha. The webpage stated that the product is a "sports supplement" and had a bold disclaimer that "Medfit RX Pharmaceuticals does not represent it's [sic] products as Nutritional Supplements and you as our customer acknowledge this when purchasing these products."

28. Both the packages of Winswole and Alphadrolone were received via US Postal Service at a Leesburg, Virginia, address. The shipper was identified as "Contract Fulfillment Center, 914 Baptist Hill Road, Chillicothe, OH 45601". Both packages identified the contents as being "pharma grade pro-hormone" along with the statement "Warning: This product could cause a positive PED test, No prescription necessary, consult physician prior to use." Both packages also stated that the tablets should be taken as a "dietary supplement" and displayed the statement "These statements have not been Evaluated by the food and drug (sic) Administration. This product is not Intended to diagnose, treat, cure or Prevent any disease." As noted above, the Medfit Rx website

stated specifically that these products were not "nutritional supplements" yet they are labeled as "dietary supplements".

29. On April 27, 2018, another purchase was made from the website www.medfitrx.net for products labeled as Trestolone, DMAXXX and Kong. The total for the order was $349.85 and payment was made via a Visa card.

a. **Trestolone** – This product is identified on the website as a "testosterone compound" containing the "pharma grade pro-hormone" 17β-hydroxy-7α-methylestr-en-3-one. As with the other products, the webpage advises that the product is a "sports supplement." The back label, however, has the "Supplement Facts" panel and disclaimer about FDA required of dietary supplements, and states that the suggested use is "1 tab taken twice daily with a meal as a Sports Supplement." The label states that the product is "Manufactured for: Medfit RX, Inc., 300 Ashville Avenue, Suite 230, in Cary, NC 27518".

b. **DMAXXX** – This product is identified on the website as "DMZ" which it states is a 17beta-hydroxy 2alpha, 17, beta-dimethyl 5alpha, -androstan3-on azine. As with the other products, the webpage advises that the product is a "sports supplement." The back label, however, has the "Supplement Facts" panel and disclaimer about FDA required of dietary supplements, and states that the suggested use is "1 tab taken twice daily with a meal as a Sports Supplement." The label states that the product is "Manufactured for: Medfit RX, Inc., 300 Ashville Avenue, Suite 230, in Cary, NC 27518".

c. **Kong** -This product is identified on the website as a "5 SARMS Compound" containing MK-2866 25 mg, GW501516 20 mg, MK677 15 mg, LGD4033 10 mg,

RAD140 6 mg. As with the other products, the webpage advises that the product is a "sports supplement." The back label, however, has the "Supplement Facts" panel and disclaimer about FDA required of dietary supplements, and states that the suggested use is "1 tab taken twice daily with a meal as a Sports Supplement." The label states that the product is "Manufactured by: Medfit RX, Inc., PO Box 607, Willow Springs, NC 27592".

30. These products were shipped to a Leesburg, Virginia, address.

31. On June 20, 2018 the FDA Forensic Chemistry Center sent a lab analysis for the previously purchased product identified as Kong. Analysis showed that this product contained the drug Ostarine (MK-2866). Kong is labeled as a dietary supplement but this product does not meet the definition of a dietary supplement in section 201(ff) of the FD&C Act [21 U.S.C. § 321(ff)] since, according to FDA's Center for Food Safety and Applied Nutrition, ostarine was not marketed as a dietary supplement or as a food before it was authorized for investigation as a new drug. Therefore, Kong, which contains ostarine, is excluded from the definition of a dietary supplement under section 201(ff)(3)(B)(ii) of the FD&C Act [21 U.S.C. § 321 (ff)(3)(B)(ii)].

32. According to the FDA Forensic Chemistry Center analysis of the Kong product, LGD-4033 was also detected. Previous FDA Warning letters for products containing LGD-4033, state that "according to section 201(ff)(3)(B)(ii) of the FD&C Act [21 U.S.C. § 321 (ff)(3)(B)(ii)] the definition of a dietary supplement does not include an article authorized for investigation as a new drug for which substantial clinical investigations have been instituted and made public, unless the article was marketed as a dietary supplement or food before its authorization for investigation as a new drug. Both MK-2866 (ostarine) and LGD-4033 have been authorized for investigation and are the subject of substantial clinical investigations which have been made public."

33. On September 5, 2018, an online order was placed on the www.medfitrx.net website for the products Athena, Black Magic, King and Kong. After placing the order, a confirmation email was received from musclegen@outlook.com stating the order was being processed.

34. On September 8, 2018, the products arrived at an address in Abingdon, Virginia.

35. The product identified as "Athena" was not in the shipment. An email was sent to Musclegen Research asking on the status of that products. On September 12, 2018, a response was received from musclegen@outlook.com stating that the product had been made but that the company was "awaiting the lab and our insurance to give us thumbs up to ship".

36. A review of the ingredient labels of all four products; Athena, King, Kong and Black Magic, showed that each product listed one or more ingredients that the FDA had previously identified as violating the law in Warning Letters to other manufacturers.

a. **Athena** – According to the product label, Athena contains, among other ingredients, both MK 2866 (osterine) and LGD 4033. CFSAN has previously identified MK 2866 and LGD 4033 as products that cannot lawfully be contained in dietary supplements because they were not marketed as a dietary supplement or as a food before they were authorized for investigation as a new drug. As a result, any inclusion of these ingredients in a drug product would require FDA approval. *See* 21 U.S.C. § 301(d) and 505(a) of the FD&C Act [21 U.S.C. §§ 331(d) and 355(a)].

b. **King** – According to the product label, King contains, among other ingredients, both Max LMG and Methyl 1 Alpha. CFSAN has warned other manufacturers that both Max LMG and Methyl 1 Alpha are considered synthetic steroids and do not

constitute "dietary ingredients" that could legally be marketed in dietary supplements. As a result, any inclusion of these ingredients for a drug use would require FDA approval. See 21 U.S.C. §§ 331(d) and 355(a).

c. **Kong** - According to the product label, Kong contains, among other ingredients, both MK 2866 (ostarine) and LGD 4033. CFSAN has previously identified MK 2866 or LGD 4033 as products that were not marketed as a dietary supplement or as a food before they were authorized for investigation as a new drug and could therefore not legally be contained in a dietary supplement. As a result, any inclusion of these ingredients for a drug use would require FDA approval. See 21 U.S.C. §§ 331(d) and 355(a).

d. **Black Magic** - According to the product label, Black Magic contains, among other ingredients, both Max LMG and MSTEN. CFSAN has warned other manufacturers that both Max LMG and MSTEN (Methyl-Sten) are considered synthetic steroids and do not constitute "dietary ingredients" that could legally be marketed in dietary supplements. As a result, any inclusion of these ingredients for a drug use would require FDA approval. See 21 U.S.C. §§ 331(d) and 355(a).

37. In summary, between June 1, 2017 through September 5, 2018, your affiant purchased the following products from MedFitRx: Hexadrone (containing dimethazine, also known as dymethazine), Black Magic (containing both LGD-4033 and methyl-1-etiocholenolol), Winswole (containing methylstenbolone), Alphadrolone (containing Methyl-1-Etiocholenolol-Epietiocholanolone, also known as Metyl 1-AD or Metyl-1-Alpha), Trestalone (containing 17β-hydroxy-7α-methylestr-en-3-one), DMAXX (containing DMZ), Kong (containing containing

MK-2866, GW501516, MK677, LGD4033, and RAD140), and King (containing Max LMG and Methyl 1 Alpha).

B. Search of Email Accounts controlled by Cochcroft

38. On November 7, 2018, your affiant obtained a search warrant for the musclegen@outlook.com email address. *See* Case No. 1:18mj163. On December 18, 2018, Microsoft complied with the warrant and provided the emails from that account. According to Microsoft records, this email account was created on November 05, 2013. Based on a review of the emails associated with that account, it appeared that the account was primarily utilized by Brian Parks. A search of the email account musclegen@outlook.com showed it was used to communicate with the email accounts **palmettosm@gmail.com** and **geneticallyaltered2014@gmail.com.** A review of these emails indicate that accounts **palmettosm@gmail.com** and **geneticallyaltered2014@gmail.com** were controlled by John COCHCROFT who supplied Brian PARKS with SARMs and pro-hormones in pressed pill form.

39. The Google subscriber information associated with **palmettosm@gmail.com** lists the name "John" with a contact number of 803-269-7910. Previous emails sent by COCHCROFT are often signed "John F. Cochcroft Palmetto Supplement Manufacturing (803)269-7910". Additionally, the subscriber information lists the recovery email as **ironhorsesupplements@gmail.com.** The Google subscriber information associated with **geneticallyaltered2014@gmail.com** lists the contact name as "Genetically Altered," but also lists (803) 269-7910 as the contact number.

40. On April 17, 2019, a Federal Search warrant was obtained for the accounts **palmettosm@gmail.com** and **geneticallyaltered2014@gmail.com** in the Western District of Virginia. *See* Case No. 1:19mj48. A review of emails from these accounts confirmed they were

controlled by John COCHCROFT who ordered foreign, unapproved drugs from China, packaged those drugs into pill form and sold them to companies, to include MedfitRx. A review of both email accounts revealed that they were controlled by John COCHCROFT and used to facilitate the ordering of foreign unapproved SARMs and pro-hormones from China, and distribution of these drugs to Parks, before, during and after the timeframe that the purchases were made from MedfitRx. On April 27, 2020, , a second search warrant was obtained in the Western District of Virginia, for information associated with the email accounts: (1) **geneticallyaltered2014@gmail.com**; (2) **palmettosm@gmail.com;** (3) and **ironhorsesupplements@gmail.com** based on the information found in the prior search warrant return. *See* Case No. 1:20MJ67. A review of the Google subscriber information for all three accounts show that they were controlled by John COCHCROFT.

41. A review of the materials seized in above searches revealed that the accounts **geneticallyaltered2014@gmail.com** and **palmettosm@gmail.com** were used to order various unapproved drugs to include SARMs and pro-hormones from China, facilitate the delivery of these products into the United States, and communicate with Parks and others to manufacture and deliver the finished products across the country from South Carolina. Emails and other evidence show that COCHCROFT conspired with PARKS to manufacture the products purchased by the government during the June 1, 2017 through September 5, 2018 time period. For example:

A. On April 11, 2017 an email was sent from PARKS at musclegen@outlook.com to sales@supfill.com stating "Hey brother, Can you send 600 KING empty bags to. (sic) He is going to make us some more product. John Cochcroft 3209 Wilton Rd West Columbia, SC 29170. Dr. Brian M. Parks". Your affiant knows that the sales@supfill.com email address was controlled by a drop shipper named Michael

Shewalter who shipped out products onbehalf of PARKS. Furhtermore, the product KING was sold in small mylar bags.

B. On August 11, 2017, an email was sent from **geneticallyaltered2014@gmail.com** to cyberrights@163.com that listed nine different addresses that COCHCROFT appeared to use to receive shipments of SARMs and other unapproved drugs from China. Each address has a different business name associated with the address. A review of these addresses shows that COCHCROFT often had multiple boxes under different business names at the same address. Your affiant knows that people involved in criminal activity will often utilize multiple "drop boxes" to receive contraband in order to further avoid law enforcement scrutiny.

C. On April 17, 2017, an email was sent from **geneticallyaltered2014@gmail.com** to cyberrights@163.com with the following message: "Spring, I forgot all of this too please re add. {sic} I already know process but give me your best ones on these too please and Thanks! MK-2866 250g , Mk677 – 120g, GW50516 – 180g, SR9009 – 180g, Rad140 – 20mgs – 100g, LGD4033 – 15 mgs – 115g." Your affiant knows based on reviewing evidence in this case that "Spring" at cyberrights@163.com is a supplier of SARMs and pro-hormones located in China.

D. On April 19, 2017, an email was sent from **geneticallyaltered2014@gmail.com** to cyberrights@163.com with the message "Proof of transfer. Thank you spring!" Attached to the email was Bank of America screenshot showing a transfer of $8180.50 to "Jiang Xuejuin" in Chanzhou City, China.

E. Between April 23-25, 2017, several emails were sent from cyberrights@163.com to **geneticallyaltered2014@gmail.com** advising various SARMs were being

shipped to COCHCROFT at various drop locations along with the corresponding tracking number, including "Pinnacle Nutra, 1830 S Lake Dr., Box 85761, Lexington, SC 29073, attn: john: EA260178690HK", "GAP LLC, 3209 Wilton Road, West Columbia SC 29170, attn: john: EA260178686HK", "Vertex Industries LLC, 1535 Platt Springs Road, Po box 3497, West Columbia SC 29171, Attn: john: EA260178876HK", Vita Surplus, 710 West Main Street, Box 1513, Lexington SC 29071, Attn: john: EA260178880HK".

F. On April 27, 2017, an email was sent from **geneticallyaltered2014@gmail.com** to cyberrights@163.com where COCHCROFT asked "Spring, Please check to see if this was confiscated by us customs please." Continuing on the same day, COCHCROFT sent another email stating "Spring, This package got hit by us customs too."

G. On May 12, 2017, an email was sent from **geneticallyaltered2014@gmail.com** to cyberrights@163.com stating "Spring. Has us customs learned of your companies doings? Because they are targeting your packages. This was a brand new address I gave you. The other package made it through. This one is in customs now. "Spring" sent the following response, "we didn't indictate [sic] our company on any documents to customs. And also US customs should not flag us, otherwise, all of our packages will be delayed. Now US customs become more strict with packages by USPS from hognkong [sic]. I heard that some peoples had used it to ship the Drug. Now we will use another shipping method."

H. On May 30, 2017, an email was sent from **geneticallyaltered2014@gmail.com** to cyberrights@163.com with the subject line "Raw Order 5/30/2017". The email

stated "Spring, My order as follows: MaxLMG – 180g….DMZ – 1000g….Msten – 360g….Hexadrone – 3000g….MK2866 – 300g….MK677 – 105g…LGD4033 – 60g….RAD140 – 60g….GW120 – 120g…Total owed $11,784.70." These products were found in the items purchased by the government. The following day, COCHCROFT sent another email advising that payment had been made. Attached to that email was a screenshot from Bank of America showing a wire transfer payment of $12,179.00 being sent to Jiang Xuejuin in Changhou City, China.

I. On July 31, 2017, COCHCROFT sent an email to "Spring" placing an order for more SARMs including Max LMG – 135 grams, DMZ – 180 grams, M1A – 90 grams and Msten – 54 grams.

J. On October 2, 2017, an email was sent from **palmettosm@gmail.com** to musclegen@outlook.com stating, "Kong ships tomorrow. King is waiting on 1 raw material which is enroute. Black magic is enroute as we speak….Please be patient because we are at the mercy of US customs and supplier."

K. On October 23, 2017, an email was sent from Parks' musclegen@outlook.com email to susan@lyphar.com stating "I am going to have our purchasing department place a small order to see the quality and quickness of delivery. His name is John Cochcroft." Based on a review of emails associated with this investigation, your affiant knows that "susan@lyphar.com" is a supplier of SARMs from China.

L. On October 24, 2017, an email was sent from geneticallyaltered2014@gmail.com to cyberrights@163.com in which COCHCROFT wrote, "Do not use the vertex industries address anymore. I am going to have to get you a new address in place of that one. Please explain the schedule 1 drug in my package that I did not order?"

M. On November 8, 2017, an email was sent from bparks@musclegenresearch.com to **palmettosm@gmail.com** with the subject line "Order up". The email stated "Can you please invoice for the following and add to the spreadsheet youre sending Sam today please…King = 300, D-NOL = 150, WINSWOLE = 100, TRESTALONE = 300, BLACK MAGIC = 150." A search of the Google drive associated with COCHCROFT's email account located a spreadsheet entitled "MedFit Tracking_Orders". The spreadsheet lists the invoice number (referring to the *INVOICELY* invoice number), the date Musclegen/Medfit requested the product, the product name, date the raws were ordered from China, tracking numbers of the raws, and other fields. The following products were listed: King, Kong, Black Magic, Trestalone, DMZ, Alphadrolone, Winswole, Athena, and Hexadrone among others.

N. On December 12, 2017, an email was sent from **geneticallyaltered2014@gmail.com** to cyberrights@163.com in which COCHCROFT stated, "Spring. This package was presented to US customs."

O. On January 1, 2018, an email was sent from **geneticallyaltered2014@gmail.com** to cyberrights@163.com in which COCHCROFT stated, "Spring. This package just went into us customs. We no longer ship to this address." The following day COCHCRFOT sent another email stating "Here is the new and old not red flagged addresses." The email listed thirteen different addresses and business names.

P. On January 6, 2018, an email was sent from **geneticallyaltered2014@gmail.com** to cyberrights@163.com in response to a previous email sent the same day where "Spring" had said a detained package had been cleared by US Customs. In the

email, COCHCROFT stated "They will send agents to figure out what I am doing and my business.....So I do need the raws but FedEx is a terrible way to ship they can open any package at any time. Also I have to fill out a US customs seizure form which will put me on the radar. Which is a bad thing seeing the DEA and other government officials would come my way."

Q. On January 11, 2018, email was sent from **geneticallyaltered2014@gmail.com** to cyberrights@163.com in which COCHCROFT wrote "Spring. Us customs released this package. This kind of makes me wonder if they are watching me now. I will examine the package carefully."

R. On January 15, 2018, an email was sent from bparks@musclegenresearch.com to **palmettosm@gmail.com** with the subject line "Re: Musclegen New Order", which stated, "hey there borther..new order up.....300 ADONIS 600 KONG 300 BLACK MAGIC 600 KING 300 TRESTALONE 100 DMAXX. Thank you, Dr. Brian M. Parks".

S. On January 22, 2018, an email was sent from **geneticallyaltered2014@gmail.com** to cyberrights@163.com in which COCHCROFT stated, "That is fine spring we need everything Dr. Brians business is giving me 100k dollars a month in prohormones and sarms."

T. On April 16, 2018, an email was sent from **geneticallyaltered2014@gmail.com** to cyberrights@163.com in which COCHCROFT wrote "What is going on with this tracking it's not showing up. Was it a good idea to ship the max lmg with this shipment knowing it's going to be opened by our friends at the us customs office haha?"

42. A review of the emails associated with **geneticallyaltered2014@gmail.com** also showed that it was used to create an account with *INVOICELY* which is an online service for small businesses to send online invoices and receive payments. In 2017, at least 21 invoices were sent to musclegen@outlook.com by *INVOICELY* on behalf of **geneticallyaltered2014@gmail.com.** Any reply to these invoices would have been sent directly to **geneticallyaltered2014@gmail.com.** A review of records for a bank account used by Musclegen Research showed that it paid Genetically Altered Pharmaceuticals more than $48,000 in 2016, more than $133,000 in 2017, and more than $176,000 in 2018. For example: an email was sent on July 31, 2017 to musclegen@outlook.com with the subject line "Invoice INV-22". The email stated "Hi Brian, A new invoice was generated for you by Genetically Altered Pharmaceuticals" and contained a link to the invoice. The email stated it was in the amount of $5,500.00. A further review of emails showed other payments, as indicated below:

A. On July 31, 2017, COCHCROFT sent an email to "Spring" placing an order for more SARMs including Max LMG – 135 grams, DMZ – 180 grams, M1A – 90 grams, and Msten – 54 grams.

B. On August 10, 2017, an email was generated from *INVOICELY* stating that PARKS had paid INV-22 in the amount of $5,500.00.

C. On August 15, 2017, an email was generated from *INVOICELY* stating that PARKS had paid an invoice in the amount of $12,150.00. The following day, another invoice (INV-24) was generated from *INVOICELY* to PARKS in the amount of $12,900.00. A receipt was issued on August 20, 2017 showing that PARKS paid this invoice.

D. On August 20, 2017, an email was sent from **geneticallyaltered2014@gmail.com** to cyberrights@163.com placing another order for the following: MaxLMG – 135 grams, DMZ – 180 grams, M1A – 90 grams, Msten – 54 grams, GW50516 – 315 grams, MK2866 – 330 grams, MK677 – 135 grams, LGD4033 – 110 grams, RAD140 – 100 grams and YK11 – 45 grams. The following day, COCHCROFT wired $9192.00 to Jiang Xuejen in Changzou City, China, and sent a screenshotshowing it had been done.

E. On September 5, 2017, another email was generated by *INVOICELY* with the subject line "Invoice INV-25 from Genetically Altered Pharmaceuticals". The email stated "Hi Brian, A new invoice has been generated for you by Genetically Altered Pharmaceuticals. Here's a quick summary: Invoice Detail – INV-25 – Total Invoice Amount: $7,200.00." On September 11, 2017, an email was generated by *INVOICELY* stating that this invoice had been paid by PARKS.

F. On October 16, 2017, another email was generated by *INVOICELY* with the subject line "Invoice INV-30 from Genetically Altered Pharmaceuticals". The email stated "Hi Brian, A new invoice has been generated for you by Genetically Altered Pharmaceuticals. Here's a quick summary: Invoice Detail – INV-30 – Total Invoice Amount: $31,200.00." On October 23, 2017, an email was generated by *INVOICELY* stating that this invoice had been paid by PARKS.

C. Photographic and Other Digitial Evidence

43. In addition to the emails, Google drive accounts linked to some of the above listed email addresses were also produced as a result of the search warrants. A review of these photos also show evidence that COCHCROFT was involved in the illegal manufacture and distribution

of SARMs and other unapproved drugs. Typically, when a photo or screenshot is taken, the device automatically assigns it a number based partially on the date. A review of the indexed images show that typically the mobile device will list the year/month/day, followed by a unique image number.

a. Image 20170427_124144 shows COCHCROFT wearing a respirator in a room where the pressing of tablets is taking place. (See addendum).

b. Image 20170826_131949 shows COCHCROFT with Parks at Park's Musclegen store in Cary, NC. (See addendum).

c. Screenshot_20170507-220544 shows a capture from a webpage that shows the US Food and Drug Administrations logo. The text under the image states "The real question here is, "Will RC (Research Chemical" sites that do fly under the radar and avoid all illegal activity be next?" While the industry optimists want to keep believing the "not illegal" is the same as "legal", we're a bit more pessimistic. The FDA's Office of Criminal Investigations (OCI) has definitely stepped up their game lately. They are being extremely aggressive, and we're not putting any money on these sites staying open. Chances are, they're be hunting down suppliers and labs too. As we said in the SARMS Lawsuit posts and the USPLabs Indictment post...right now just doesn't seem like a good time to be breaking any industry laws." (See addendum).

d. Screenshot_20170510-110517 shows a text message conversation between COCHCROFT and someone identified as Jordan Lipparelli who stated "As we go further and further and I keep hearing about getting sued and shit I keep worrying that it's gonna happen to me. Should I not have open likeable page on facebook? Just scary alittle bit because we are already struggling. We'd be on the street of we

got sued lol." To which COCHCROFT replied, "If your scared get out no offense. It's the name of the game. No risk no reward. ***Research chemical equals possible jail time*** and potential law suits." (Agent added emphasis) (See addendum).

44. A letter was sent to COCHCROFT from the U.S. Customs and Border Protection (CBP) dated September 25, 2017, titled NOTICE OF SEIZURE AND INFORMATION TO CLAIMANTS NON-CAFRA FORM. The letter stated that CBP seized 26.8 grams of Methylstenbolone (a steroid) and 482.9 grams of an unknown white powder addressed to Vertex Industries LLC on September 13, 2017.

45. A letter was sent to COCHCROFT from the U.S. Customs and Border Protection dated November 1, 2017, titled NOTICE OF SEIZURE AND INFORMATION TO CLAIMANTS NON-CAFRA FORM. The letter stated that CBP seized 6 pill press kits addressed to COCHCROFT on October 18, 2017.

46. During the week of December 8, 2019, U.S. Customs and Border Protection intercepted and seized two tablet press die kits that were manifested as a "screw bolt" being sent from China. The commercial invoice associated with this shipment identifies the consignee as "John" with an address of 3209 Wilton Road, Columbia, SC. This is the address of COCHCROFT's mother. It also provides a contact number for "John" as 803-269-7910.

D. Search Warrant on the Premises Of Medfitrx

47. On October 18, 2019, a Federal search and seizure warrant was issued in the Eastern District of North Carolina for the businesses known as Musclegen Performance and MedfitRx, located at 2425 Kildaire Farm Road, #407, Cary, North Carolina (Case No. 5:19-mj-2253-JG). This was the business owned and operated by Parks which was selling various misbranded drugs in violation of Title 21, U.S.C. 331(a) (introducing misbranded drugs into interstate commerce).

During the course of the warrant, Parks appeared and agreed to speak with SA Kurisky in regards to the allegations.

48. Parks stated that he had been using Cochcroft to manufacture SARM tablets for his company prior to PARKS obtaining the necessary equipment and moving the manufacturing "in-house". This statement was corroborated by bank records showing that Parks paid Cochcroft's company over $358,000 from 2016-2018.

E. Brian Parks's Guilty Plea

49. On November 23, 2020, Brian Parks and his company MedfitRx, appeared in the United States District Court, Western District of Virginia (Case 1:20-cr-00046-JPJ-PMS) and plead guilty to a felony criminal information for violating 21 U.S.C. §§ 331(d); 333(a)(2), related to his role in this scheme. As part of his guilty plea, Parks admitted to having imported SARMS and other drug ingredients from China which were then bottled and sold with the MedfitRx name, knowing that the drugs were not approved and had not been subjected to the FDA's new drug application process.

CONCLUSION

50. Based on the aforementioned information set forth, your affiant submits that there is probable cause to believe that between March 1, 2016 through July 18, 2018, in the Western District of Virginia and elsewhere, John F. Cochcroft, conspired with Brian Parks to introduce into interstate commerce unapproved and misbranded drugs in violation of Title 18, U.S.C § 371 and Title 21, U.S.C. §§ 331 and 333(a)(2).

Michael Kurisky
Special Agent, FDA-OCI

Subscribed and sworn to before me by telephone on this 29th day of October, 2021.

HON. PAMELA MEADE SARGENT
United States Magistrate Judge

ADDENDUM

Figure 1 - 20170427_124144

Figure 2 - 20170826_131949

Figure 3 - Screenshot_20170507-220544

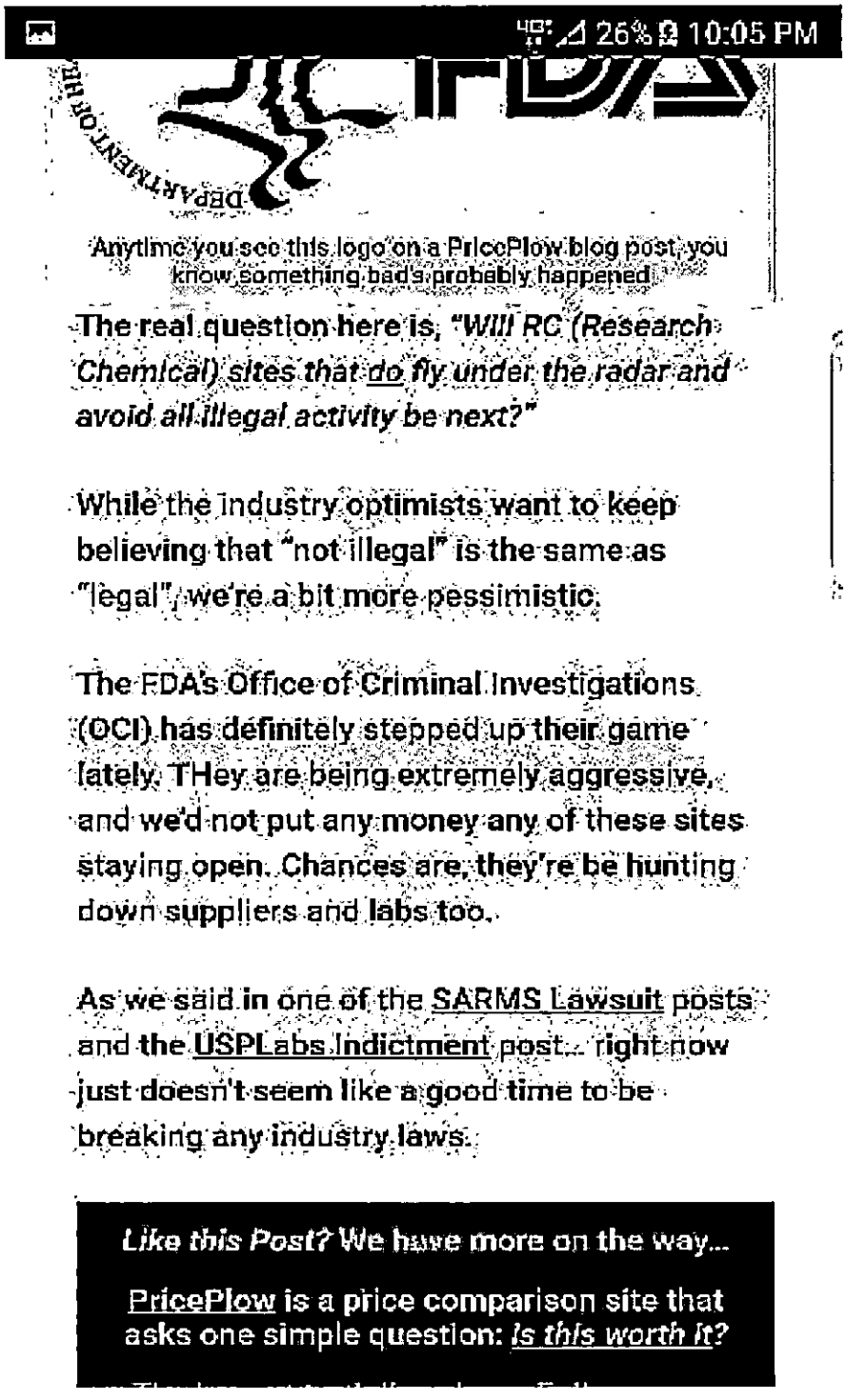

Figure 4 - Screenshot_20170510-110517